

JAN 18 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CELESTINO GONZALEZ-MENDOZA,

Defendant - Appellant.

No. 06-50211

D.C. No. CR-03-00530-JSL

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
J. Spencer Letts, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Celestino Gonzalez-Mendoza appeals from the district court's order finding that Gonzalez-Mendoza should not receive a different sentence under the advisory

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Guidelines. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Gonzalez-Mendoza's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's order is **AFFIRMED**.